

REMARKS

This communication is a full and timely response to the final rejection dated October 30, 2007. By this communication, claims 1 and 11 are amended. Claims 1-23 remain pending. Reconsideration and allowance of this application are respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1-23 stand rejected under 35 U.S.C. §102(b) as anticipated by *Kozaki* (U.S. Patent Pub. No. 2002/00536760). Applicants respectfully traverse this rejection.

Applicants have amended independent claims 1 and 11 to each recite, in part, that the contact hole, buried layer, and protective layer are aligned such that an upper surface of the ridge is planar. The *Kozaki* publication fails to disclose at least the aforementioned features, thereby failing to anticipate Applicants' claims.

The *Kozaki* publication discloses a nitride semiconductor where a p-type optical guide layer 110 and a p-type contact layer 111 are applied to a semiconductor structure in the form of a ridge stripe. A protective film 162 is formed on the ridge stripe such that the upper surface of the ridge stripe is exposed. The p-type electrode 120 is then formed on the surface of the exposed p-type contact layer 111, and a multilayer dielectric film 164 is formed over the p-type electrode 120. The dielectric film 164 is formed to include a contact hole such that a pad electrode 122 formed on the dielectric film 164 contacts the p-type electrode 120 through the contact hole. Figure 1, illustrates a structural configuration that does not include features as recited in Applicants' claims. Particularly, Figure 1 shows a device in which a contact hole is formed merely in a dielectric film 164. In contrast, Applicants' claims recite that a contact hole, buried layer, and protective layer are aligned such that an upper surface of the ridge is planar.

Applicants remind the Office that to properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. *See Verdegall Bros. v. Union Oil Co. of Calif.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Withdrawal of the rejection to claims 1 and 11 and their corresponding dependent claims, is respectfully requested.

Conclusion

Based on at least the foregoing amendments and remarks, Applicant submits that claims 1-23 are allowable, and this application is in condition for allowance. Accordingly, Applicant requests a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicant requests that the undersigned attorney be contacted at the number below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: January 7, 2008

By: 

Shawn B. Cage

Registration No. 51,522

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620